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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/870,283	05/30/2001	Sumiko Imai	261A 3103	7309

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EXAMINER

BOVEJA, NAMRATA

ART UNIT	PAPER NUMBER
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3622

DATE MAILED: 07/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/870,283

Applicant(s)

IMAI, SUMIKO

Examiner

Namrata Boveja

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-8 are presented for examination.

Objections

2. The disclosure is objected to because of the following informalities: The specification does not have any line numbers. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 2 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Specifically, claim 2 recites a computer graphics system for designing an entire area of a subway station wherein designs to be drawn on a wall of a certain area and the like, corresponding to said blocks, are printed on wrapping sheets with adhesives applied to back surfaces thereof for mounting on walls and floors of an area in any combination thereof, and it is not described in the specification how the computer system can simulate printing on wrapping sheets with adhesives on the back. Furthermore, it says this would thereby incorporate a means to improve efficiency in transportation and installation work, but it is unclear how the

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software is specifically going to achieve this efficiency. So, it is unclear what the inventor is trying to claim here. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-8 are rejected under U.S.C. 103(a) as being unpatentable over Bourdelais in view of Jepson and further in view of official notice.

In reference to claim 1, Bourdelais discloses the method for a central computer system for designing different rooms in a house including the walls of a room, furniture (size, material, color), paintings, pictures, floors, and the aisles of a room (col. 2 lines 3-16 and 64-67, col. 3 lines 4-12, 27-30, 34-36, and 55-64, col. 5 lines 50-59, col. 6 lines 34-57, col. 8 lines 35 to col. 12 lines 37, and Figures 1-15); registering (i.e. saving) various created designs in a database as components (i.e. providing a furnishings tool bar with registered furnishing designs) (col. 9 lines 35-40, col. 12 lines 31-37, col. 5 lines 21-22, and Figures 6 and 14); and pasting said components together on a specified location (i.e. a specific room in the house) as needed in order to design the layout for different rooms in the house (col. 10 lines 13-24).

Bourdelais does not specifically state the use of a central computer and graphics system to design an entire area of a subway station. Jepson teaches

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the use of a computer system and simulation technology (computer graphics systems and software) in medium to large-scale urban design and planning projects from an architectural context that specifically include a subway transit-modeling project (Jepson page 166 lines 45-58). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to include the use a computer graphics system like the one invented by Bourdelais for designing the entire area of a subway system to achieve cost savings from being able to visualize multiple scenarios without having to physically set up each of them.

In reference to claim 1, official notice is taken that it is old and well known to use simulation tools (computer graphics systems and software) and computer systems such as Adobe Photoshop or Illustrator extensively in the design field for the storage of handwritten designs and photographs, the creation of designs directly on a computer (i.e. pasting components together at a specified location to design any scenario) and the modification of previously stored designs (i.e. registered in a database as components) (also admitted by applicant's prior art on Page 1 lines 21-26). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to include the use a computer graphics system to design a subway system to enable designers to access stored components and quickly put together various design models of public and private spaces such as a subway station or a housing development project.

5. **Disclaimer:** Claim 2 was found to be deficient under U.S.C. 112 first

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paragraph. To the extent the claimed invention was understood, the following art was applied.

Claim 2 recites a computer graphics system for designing an entire area of a subway station, wherein subway premises are divided into blocks of certain sizes for design purposes; and components that are design data including designs to be drawn on a wall of a certain area and the like, corresponding to said blocks, are printed on wrapping sheets with adhesives applied to back surfaces thereof for mounting on walls and floors of an area in any combination thereof; thereby incorporating a means to improve efficiency in transportation (i.e. or in a room design) and installation work. No weight is given to the underlined section of this claim, since this is simply stating an intended use of the computer graphics system and not the invention itself.

In reference to claim 2, official notice is taken that it is old and well known to divide subway premises into blocks of certain sizes for design purposes to enable planning of sections of the station in sub units to divide out tasks among different subcontractors for example. It is also well known to use computer graphics systems to develop simulations of different scenarios such as a subway station design to enable designers to visualize the set ups of the scenarios without having to construct and view each of the scenarios in real time.

Furthermore, advertisements pasted on buses such as Greyhound are wrapping sheets with adhesives applied on the back surfaces. It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to include the use of a computer graphics system for designing an entire area of a

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subway system to save designers time and money from illustrating designs virtually without requiring that each of the designs be physically carried out to see how it looks in real life.

6. Claim 3 recites a design method in the computer graphics system, wherein background and foreground are separately designed; making a contract exclusively with a single advertiser (sponsor) for the entire area of a subway station, advertiser's merchandise are designed into components of the foreground; and the components, which are the foregrounds, are laid out on the background in a storytelling continuity, starting at an entrance and ending at station platforms, in accordance with a flow of passengers.

In reference to claim 3, official notice is taken that it is old and well known to design a background and foreground separately and to have a single advertiser sponsor an entire area of a subway system to ensure that an advertisement is easily visible and to surround the audience with the brand as done for example by Microsoft in the "station domination" wallpapering campaign conducted at a San Francisco subway station with recruiting ads. It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to design the background and foreground separately and to contract exclusively with a single advertiser to make it easily visible and to popularize a brand or a message among the target audience.

7. Claim 4 recites a computer graphics system for designing an entire area of a subway station, wherein in an event of a change in advertisers or of an advertised content, redesign is achieved efficiently by means of replacing

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advertising designs, which are said components, while leaving the background as is.

In reference to claim 4, official notice is taken that it is old and well known to replace advertising designs, which are said components, while leaving the background as is, since advertisements are posted for a given period of time based on the payment received from the advertiser, and then the advertising space is rented out to the next advertiser. Furthermore, advertisements get old and need to be modified with new advertisements that are in sync with the changing dynamics of the needs and interests of consumers. This is done for example with advertising displays featured on trucks and billboards that are provided with a self-tensioned display panel and mounting which allows convenient installation and removal. It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to achieve redesign by replacing advertising designs, which are said components, while leaving the background as is to speed up the process of changing advertisements provided by different advertisers for a specific duration of time.

8. Claim 5 recites a method of decoration in the design method wherein wrapping sheets with a strong adhesive are used for the background that remains the same for a long period of time; wrapping sheets with a removable adhesive are used for the foreground that has a high probability for replacement; and only foreground wrapping sheets are replaced upon a change in advertising content; thus ensuring a flexibility of construction work.

In reference to claim 5, official notice is taken that it is old and well known to use wrapping sheets with a strong adhesive for the background (i.e. wallpaper with adhesive backing) and wrapping sheets with a removable adhesive for the foreground to facilitate quick and easy replacement of advertisements (i.e. a poster pasted on a wall that can be peeled off without damaging the wall paper behind, or that can be posted to the wall with the use of Velcro fasteners. It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to have utilized the design method wherein wrapping sheets with a strong adhesive are used for the background that remains the same for a long period of time; wrapping sheets with a removable adhesive are used for the foreground that has a high probability for replacement; and only foreground wrapping sheets are replaced upon a change in advertising content to speed up the process of displaying advertisements and changing the displays on a scheduled basis.

9. Claims 6 and 7 teach a method of designing advertisements in the computer graphics system, wherein advertisements, which are printed, painted, or use light-storing pigments, are posted on walls along an escalator, a space between the wall and a handrail belt of the escalator, a space between escalators, steps at entrance and exit of the escalator, in an area extending about 100 meters into a tunnel from an entrance thereof at an end of a platform or in a block within a tunnel, and other areas around the escalator, thus simultaneously having an advertising effect and a traffic-guidance effect of a guide sign during normal times and during periods of power outage and causing

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the advertisements to stand out in the dark through luminescence of said light-storing pigments. The location of advertisement posting is not given any weight, since this is just an intended use of the light-storing pigments.

In reference to claims 6 and 7, official notice is taken that it is old and well known to use paints with light-storing pigments to achieve beautiful, unusual, and dramatic effects as seen in decorative, artistic, and advertising displays. For example, black light (the popular name for near-ultraviolet radiant energy which falls just outside the visible spectrum that makes certain materials "fluoresce" that is "emit visible light" when it falls on them) is used in the theater by artists. It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to have utilized light-storing pigments in printed or painted advertisements to achieve an attractive, radiant, and dramatic advertising effect for the human eye.

10. Claim 8 teaches a method of designing advertisement in the computer graphics system, wherein a gutter is installed on an underground wall in order to prevent soiling thereof by water leakage, and an entire area, including the gutter is designed as one picture in such a way that the gutter becomes inconspicuous.

In reference to claim 10, official notice is taken that it is old and well known to install a gutter to prevent soiling by water leakage and to include the gutter in a design as one picture in such a way so that the gutter becomes inconspicuous to make the display visually appealing to the human eye as done with transformers located in the front yards of homes that are hidden by the use of rocks and bushes that blend in the transformer into the background so that it's presence

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does not take away from the beauty of the front yard and of the residential property. It would have obvious to a person of ordinary skill in the art at the time of the applicant's invention to installed the gutter for preventing soiling by water leakage in such a way that the gutter becomes inconspicuous in order to maintain the neat and clean appearance of a subway station.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure include the following.

- a) Associated Press. "Greyhound Looks to Ads for Revenues." Daily News. May 24, 1996. Pg. B.2.
- b) Bishop, Todd. "Are super-sized billboards in Phila.'s future?" Philadelphia Business Journal. April 14, 2000. Vol. 19, Iss. 10. Pg. 12.
- c) Bourdelais Patent Number 6,727,925. Teaches browser-based room designer for laying out different furniture in different rooms.
- d) Galloni, Alessandra. "About Advertising: Look Up: Billboard Ads Make a Comeback." Wall Street Journal. April 4, 2001. Pg. 23.
- e) Holmberg Patent Number 6,145,230. Teaches a removable and three-dimensional advertising display for pickup trucks.
- f) Jepson, William. "An Environment for Real-time Urban Simulation." 1995 Symposium on Interactive 3D Graphics. Pg. 165, 166, and 216.
- g) Katz Patent Number 5,580,140. Teaches a device for the presentation of images to the passengers of moving vehicles.

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- h) "Whirlpool using bus advertising." Marketing Week. May 17, 2001. Pg. 13.
- i) "Vodafone: It's a wrap! Vodafone takes off with biggest ever airport ad campaign." M2Presswire. May 10, 2000. Pg. 1.
- j) Opadahl Patent Number 5,239,765. Teaches an advertising display for exhibiting advertisements on trucks and billboards that is easy to install and remove against a background.
- k) "Gateway Outdoor Advertising Announcing Acquisition of Double Decker." PR Newswire. April 17, 2000. Pg. 1.
- l) Sawyer, Patrick. "Moving ads planned for Tube." Evening Standard. April 11, 2001. Pg. 9.
- m) Internet Archive Way Back Machine links.
<http://web.archive.org/web/19991116210409/http://blacklite.com/> Teaches about glow in the dark paint. November 16, 1999.
<http://web.archive.org/web/20010502064701/http://www.smartdraw.com/florplans/kitchen.htm> Teaches two-dimensional modeling of a kitchen using stored components. May 2, 2001.
- n) <http://www.metrotransit.org/aboutUs/advertise.asp> Advertise with Metro Transit. May 25, 2005.
- o) <http://www.viacomoutdoor.com/media.php?mediaId=127> Media >Rail/Subway. May 25, 2005.

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- p) <http://graphicssoft.about.com/od/pselementscourse/a/pse103importing.htm>
Getting Started with Photoshop Elements Photo Organizer. June 17,
2005.

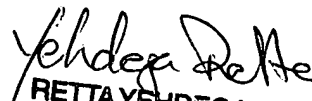
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Namrata (Pinky) Boveja whose telephone number is 571-272-8105. The examiner can normally be reached on Mon-Fri, 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on 571-272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8105.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 1866-217-9197 (toll-free).

NB

June 27, 2005


RETTA YEHDEGA
PRIMARY EXAMINER